Presentation of

CHARLES DUELFER

Former Deputy Executive Chairman of UNSCOM

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I am grateful for the opportunity to appear before this Committee and discuss the disarmament issues surrounding Iraq.

I served as Deputy Executive Chairman of the UN Special Commission on Iraq from 1993 until I resigned effective 1 March 2000. During the period from July 1999 to the arrival of Dr. Hans Blix as the new Chairman of the successor body to UNSCOM, I was the acting Chairman. I had the pleasure of working with both former Chairmen Rolf Ekeus and Richard Butler as well as some extraordinarily talented experts from around the world. We attempted, in Iraq, to achieve the disarmament and monitoring objectives established for UNSCOM by the Security Council. It was a fascinating experience—sometimes rewarding, often frustrating, and ultimately, incomplete. As you might imagine, I have formed some opinions about this endeavor, which, now that UNSCOM is a discrete historical experience may be appropriate to share.

UNSCOM was formed in 1991 as part of the cease-fire resolution ending the Gulf War. The Security Council linked lifting of the oil embargo then in place on Iraq to strict disarmament and monitoring obligations. I wish to emphasize that this is not an arms control arrangement entered into by states party to an agreement they judge in their national interest. Iraq was forced into this position. The disarmament was to be coercive with UNSCOM and the IAEA to verify Iraq's full compliance. What has become apparent over the years is that Iraq considers some weapons of mass destruction (WMD) capability to be vital to its national security. While UNSCOM and the IAEA had some important success in reducing Iraq's WMD capabilities-- despite Iraq's obstructions and concealment efforts, ultimately, the carrots and sticks which the Security Council applied were not commensurate with the task of causing full compliance by Iraq.

Over time, a number of factors contributed to a diminished focus on the disarmament and monitoring aspects of the relationship with Iraq. The key problem is that the strong consensus amongst Security Council members to impose the embargo and sanctions in 1990

when Iraq invaded Kuwait has progressively diminished. There are many reasons for this including:

- At the time of the imposition of the embargo and sanctions, expectations were that the regime would not long endure. It did and so did sanctions with a progressively greater impact on the civilian population.
- As progress was made in disarmament, some members of the Council measured the increasing impact of sanctions against the uncertainty of what WMD remained.
- The national objectives and priorities of individual Council members have naturally tended to diverge over time.
- Concerns about a double standard were expressed, particularly after nuclear tests in India and Pakistan.
- Internal Council politics and bilateral relations.

Other factors contributed as well to this trend, but the key point is that a single dedicated unitary actor, Iraq, has a certain advantage in facing a coalition which will naturally have shifting priorities and objectives amongst its members.

UNSCOM found itself between Iraq and the Security Council with a strict and categorical mandate. It was tasked to verify that *all* the proscribed weapons and capabilities were gone and conduct full effective monitoring to assure no reconstitution of those capabilities. Impatience on the part of the Council grew and manifested itself in many ways—none helpful to UNSCOM. Political and military actions resulted in the withdrawal of UNSCOM from Iraq in December 1998. A year later, the Council, following an initiative of the United Kingdom, voted to replace UNSCOM with a new body.

There has not been any UN inspection work going on in Iraq since December 1998. A question that is often asked is, "What do you think Iraq has been doing in the interim?" Before addressing this, it is important to recall that before UNSCOM withdrew, it reported that it was unable to perform its mandated tasks under the conditions which Iraq permitted it to operate. The United States and United Kingdom conducted military operations after UNSCOM reported that the level of cooperation offered by Iraq was not sufficient to accomplish what the Security Council required. In other words, when we had inspectors in Iraq, we did not know fully what Iraq was up to.

During the period since UNSCOM withdrew, its experts continued to study the data in its archives and continued to receive some limited new information. Nothing would indicate that Iraq has undergone any radical change of heart with respect to WMD capabilities. I can not say definitively that Iraq has a residual missile force with chemical or biological warheads. I can not say definitively that Iraq has retained concealed production capability for Chemical and Biological agent. Nor can I say definitively that there is ongoing research and development in these areas.

I can say definitively that nothing has changed the assessments in UNSCOM reports to the Security Council about the incomplete accounts provided by Iraq in each of these areas. Moreover, the limited information that UNSCOM continued to obtain, raised more not fewer, questions about Iraq's compliance. Given Iraq's past performance, their clearly stated objectives and extant capabilities, even a moderately prudent defense planner would have to assume such WMD capabilities exist in Iraq today.

The future for the new organization, the UN Monitoring, Verification and Inspection Commission (UNMOVIC), is unclear. The resolution creating UNMOVIC and its tasks was adopted with four abstentions. Clearly some key members of the Council had reservations. Dr. Hans Blix has courageously accepted the challenge of leading this new organization. His task will not be easy as Iraq will perceive that the Security Council's unity on this issue is tenuous at best and thus may act with increased defiance. The path to this new resolution detoured around some big issues and there was strong debate about the relationship between disarmament, monitoring, sanctions, and control of Iraqi oil receipts.

What is clear, however, is that UNMOVIC and Dr. Blix will not be able to achieve any more than what the Security Council strongly and unanimously supports and which Iraq permits. The degree to which all (or, indeed, any) members of the Security Council encourage Dr. Blix to conduct intrusive and rigorous inspection work is uncertain. If he did, prospects for early confrontation with Iraq would be high and the Council would rapidly have to deal with yet another wrenching debate.

There is another side of the equation. From Iraq's perspective, what are the carrots and sticks intended to prod them into accepting the full implementation of rigorous disarmament and monitoring work? The greatest incentive for Iraq is the prospect of sanctions being lifted and gaining control over their own oil revenues. While it could be argued that the suspension of sanctions might be agreed in the Council, Iraq's own control of its revenues remains an unlikely prospect. On the disincentive side, Iraq certainly perceives that it is highly unlikely that the Council would support military action. Nor is it likely to believe that the United States would unilaterally conduct a major military campaign on its own if Iraq simply continues its status quo refusal to cooperate and comply.

Lastly, I wish to make a point on full compliance. UNSCOM attempted extensive and intrusive disarmament and monitoring inspections. Yet, it still could not verify the absence of prohibited WMD programs in Iraq. During the period since UNSCOM's withdrawal from Iraq, study was given to the requirements for a more effective monitoring system with a specific performance criterion. This was a system sufficient to allow a Chairman to make a credible *judgment* about Iraqi compliance with the Council mandates—not simply report that no evidence of violations had been detected. The later could be done with a minimal system and could well allow Iraq to cooperate but not comply resulting in a dangerous outcome of virtual disarmament and monitoring.

A few important points were evident from the UNSCOM work. One is that a very extensive and intrusive system with strict requirements for immediate access to all sites is essential. Second, Iraq must cooperate fully, consistently, and immediately in all ways. Thirdly, if Iraq does not cooperate fully, then the Security Council must interpret non-cooperation as non-compliance and have the will to act accordingly. The Security Council cannot divide over UNMOVIC's conclusions or second guess its decisions on inspection targets.

Unfortunately, the experience of UNSCOM does not suggest that the Security Council will sustain the strong unified will necessary to allow its subsidiary disarmament organ to achieve the strict mandate. Ultimately, it was much easier to change UNSCOM than Iraq. Perhaps it simply is asking too much for an international body with evolving priorities and interests to ensure the long term coercive disarmament of a nation that clearly has contrary incentives. Historically, the most proximate comparison to the UNSCOM experience, in my view, was the disarmament mechanism of the Versailles treaty. The so-called Inter-Alllied Control Commissions persisted for seven years, but ultimately ceased work in Germany having only been partially and temporarily successful.